

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrative Company

By

Preble Shawnee Local School District

Billed Entity #: 49558

FRNs: 211236, 385948, 623045, 805129,
983192, 1177666, 1326625, 1480717,
1608844

Billed Entity #: 50093

FRNs: 621157, 807013, 981542, 1177108,
1324938, 1481162, 1608918,

Billed Entity #: 50095

FRNs: 218844, 386689, 621697, 805722,
983007, 1176534, 1324300, 1479444,
1614060

Billed Entity #: 50094

FRNs: 211323, 386302, 622389, 806122,
982442, 1173949, 1325665, 1480046,
1614672

Billed Entity #: 129908

FRNs: 1163860, 1477659, 620568, 816404,
989157, 1171539, 1478787, 1615275,
1635616, 1615025

CC Docket No. 02-6

CC Docket No. 96-45

File No. _____

FILED/ACCEPTED

SEP 20 2010

Federal Communications Commission
 Office of the Secretary

To: Office of the Secretary, FCC
 Attention: Wireline Competition Bureau Chief

REQUEST FOR WAIVER AND REVIEW

Pursuant to 47 C.F.R. §54.719(c), Preble Shawnee Local School District ("Preble Shawnee") respectfully requests review of: (i) the July 20, 2010 Administrator's Decisions on Invoice Deadline Extension Request; (ii) the April 1, 2010 Administrator's Decisions on

Invoice Deadline Extension Request¹; and (iii) the August 25, 2010 Administrator's Decision on Appeal (collectively "Administrator's Decisions," attached as Exhibit A), issued by the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") denying Preble Shawnee's Requests for Extension of Invoice Deadlines (collectively, the "Requests," attached as Exhibit B) for the captioned Funding Request Numbers (the "FRNs").² SLD stated in the Administrator's Decisions that Preble Shawnee's Requests had not been filed in a timely manner, and so they were denied for that reason.

INTRODUCTION

Preble Shawnee's Requests were not filed within 120 days after the end of the relevant service delivery dates. However, the Requests were late as a result of the same staff illnesses, personnel changes, and confusion regarding the E-Rate application rules that caused Preble Shawnee to be late in its filing of the invoices for which its Requests were requesting an extension. Preble Shawnee is a small, rural school district with limited resources. As evidenced by the attached FCC Forms 472 ("BEAR Forms"), Preble Shawnee was entitled to the subject funding, which had already been approved by USAC. Its failure to file the invoices in question was a procedural error of the type routinely forgiven by the Commission, and so Preble Shawnee's oversight does not warrant outright rejection of its funding requests and the consequent deprivation of the funding that had already been approved. Therefore, the Commission should waive the Form 486 and 472 deadlines for Preble Shawnee's 1999-2008 applications and order USAC to pay the approved funding for those years to Preble Shawnee.

¹ Preble Shawnee previously responded to this decision on August 2, 2010, and it hereby respectfully requests the opportunity to supplement this response.

² See Exhibits A and B for the full list of the Forms 471 and corresponding FRNs.

BACKGROUND

Preble Shawnee first applied for E-Rate funding in 1998. That year, Preble Shawnee requested basic telephone service. In 1998, Paul Ellison was the Technology Director of Preble Shawnee, and he was placed in charge of the E-Rate program. Mr. Ellison requested that certain bills be discounted, but he did not request automatic service provider discounts for bills relating to the services covered by the Requests. For many of the non-discounted bills, he failed to file Forms 472, as well as some Forms 486. Mr. Ellison had been the Technology Director since 1965, and procuring E-Rate funding became one of his many job duties only at the very end of his tenure. Furthermore, because Preble Shawnee is a small, rural district, the administrators do not have the resources of large, urban districts. As a result, Mr. Ellison's mistakes that first year continued until he retired in 2003. That year, Mindy Marik took over as Technology Director of Preble Shawnee. At that point, the problem became compounded by splitting relevant duties between the Preble Shawnee Technology Director and the Preble Shawnee Treasurer. Each had separate duties and so the need to coordinate the final part of the E-Rate funding process was accidentally allowed to lapse.

As Ms. Marik details in her statement (attached as Exhibit C), when she took over as Technology Director she was met with missing files, unopened mail (including mail from USAC) that was months old, and a general state of disarray. *See* Exhibit C, ¶ 13. Ms. Marik did not receive extensive E-Rate training. Nor was she able to gain the benefit of any institutional knowledge, as nobody who worked for Preble Shawnee in an administrative capacity when she started had any significant E-Rate experience.

As Preble Shawnee's Technology Director, Ms. Marik was hired to oversee all technological purchases, maintenance, troubleshooting and disposal. Ms. Marik has a vast realm of responsibilities aside from securing E-Rate funding for the district. As explained in her statement, she manages all student information, student and parent network accounts, and responds to all student, teacher and parent technology-related issues and complaints. *See* Exhibit C, ¶¶ 3-7. She determines what the district's technology needs are and approves purchases. *Id.*, ¶¶ 3-4. She manages the district's web server. *Id.*, ¶ 5. She oversees one additional full-time employee. *Id.* Another part-time employee was hired recently, as well. *Id.* With the help of only these two individuals, Ms. Marik oversees all technology used by Preble Shawnee. *Id.*, ¶¶ 3-7.

Ms. Marik had assumed, consistent with other E-Rate funding Preble Shawnee was receiving, that Preble Shawnee would receive discounted bills from its service providers. As recounted in her statement, Ms. Marik asked the Preble Shawnee Treasurer, at that time Jack Mann, whether the district would elect to receive funds directly from the federal government or receive discounted bills from its service providers, who would be reimbursed by the government. *See* Exhibit C, ¶ 11. Receiving no input, she requested to receive discounted bills. *Id.*, ¶ 12. She duly applied for, and obtained, E-Rate funding for each year. Consistent with her requests, she assumed that the bills received from their approved service providers were being discounted – that is, until she heard otherwise from the new Treasurer, Mollie Hansel, earlier this year. *Id.*, ¶ 18.

Ms. Hansel was hired as Treasurer in June 2006.³ *See* Statement of Mollie Hansel, attached as Exhibit D, ¶ 1). As Treasurer, she did not have an integral role in the E-Rate

³ Ms. Marik was hired at a time of transition in the Superintendent's office. Kleetis McGhee, the Superintendent who stepped down just before she started, was only Superintendent for Preble Shawnee for one year, and he had no

application process. Ms. Hansel and Dale Robertson, the Superintendent at the time, initially had little involvement in the E-Rate application process. As explained in their respective statements, both Ms. Hansel and Mr. Robertson have a multitude of duties but do not become involved in the district's federal grant application processes. *See* Exhibit D, ¶ 3, Exhibit E, ¶¶ 5-7.

Ms. Marik applied for and obtained E-Rate funding annually from 2003-2008. However, due to personnel problems, including staff turnover and the personal and family illnesses of administrators, as well as general confusion surrounding the complex E-Rate application process, nobody at Preble Shawnee ever filled out the invoice Forms (and in some case Forms 486) necessary to receive the E-Rate funding that already had been approved.⁴ Ms. Marik assumed that the amounts were being deducted from the bills given to Preble-Shawnee every year by their service providers. Her belief was reasonable, because she had requested that the amounts be deducted. She did not realize that this procedure was not being followed for most of the telecommunication services bills. *See* Exhibit C, ¶ 12.

Ms. Marik has no record that she ever received any notices from USAC that led her to believe that she was overlooking any necessary forms. *See* Exhibit C, ¶ 12. Because she does not review the bills for technology purchases, she never saw the bills, so she did not recognize

assistant superintendent to help him during his tenure. Prior to Mr. McGhee, Richard Bricker served as superintendent. Mr. Bricker was frequently absent from his office and rarely visited school grounds due to personal and family illnesses. *See* Exhibit C, ¶ 8. Dale Robertson took over after Mr. McGhee. Because of the problems of his predecessors, Mr. Robertson inherited a large backlog of work, and he was never briefed on the district's involvement with the E-Rate program. *See* Exhibit E, ¶¶ 3-4. As Mr. Robertson notes in his statement, it is not unusual for superintendents to delegate E-Rate responsibilities to their subordinates, especially in small districts, so it was natural for Ms. Marik to continue overseeing the program after Mr. Robertson took over as superintendent. *See* Exhibit E, ¶ 4.

⁴ *See, generally*, Exhibit C, Exhibit D, Exhibit E. Preble Shawnee inadvertently neglected to file Forms 472 for FRNs 211236, 385948, 623045, 805129, 983192, 1177666, 1326625, 1480717, 1608844, 621157, 807013, 981542, 1177108, 1324938, 1481162, 1608918, 218844, 386689, 621697, 805722, 983007, 1176534, 1324300, 1479444, 1614060, 211323, 386302, 622389, 806122, 982442, 1173949, 1325665, 1480046, 1614672, 1163860, 1477659, 620568, 816404, 989157, 1171539, 1478787, 1615275, 1635616, and 1615025. Additionally, Preble Shawnee failed to file Forms 486 for FRNs 1756578, 807013, 1608918, 1615275, 1635616, 1615023.

that the bills were not discounted. *Id.* Similarly, Ms. Hansel was not in charge of the E-Rate application process, so she did not know how the E-Rate funding was supposed to be allocated. *See* Exhibit D, ¶¶ 5, 7-8. Ms. Hansel reviewed certain Internet and telecommunications services bills when she started, and those bills were discounted for E-Rate funding. *See* Exhibit D, ¶ 8. She had no reason to review more bills for E-Rate discounts, because all of the bills she had seen reflected that discount. As an unfortunate result of this division of labor, the need to file invoice forms (and in some cases, Forms 486) was overlooked and Preble-Shawnee never received the approved funding to which it was entitled.

Ms. Hansel discovered the problem early in 2010, when she was investigating the district's telephone services costs. Preble Shawnee's Board of Education had a meeting on February 4, 2010, in which the members discussed the possibility of switching their telephone service to a Voice over Internet Protocol ("VoIP") system. *See* Exhibit D, ¶ 7. After that meeting, Ms. Hansel decided to investigate how much money could be saved by making the switch. *Id.*, ¶ 7. When she was gathering data, she noticed that the bills did not reflect discounts to accommodate the E-Rate funding she thought the district should receive on those bills. *Id.*, ¶¶ 8-9. She began running reports on the USAC website and discovered that Preble Shawnee had not received funding for most of the requests that had been approved by the Commission. *Id.* ¶ 9. After notifying Ms. Marik and Mr. Robertson of the problem, Ms. Hansel prepared and submitted a deadline extension request on June 14, 2010. *See* Exhibit B. When the Request was denied, Ms. Hansel initiated this proceeding to appeal that denial. *See* Exhibit A.

DISCUSSION

I. Preble Shawnee's Errors Were Procedural and Should Be Overlooked by the Commission.

The Commission has repeatedly held that, in the absence of waste, fraud and abuse, applicants should be permitted to correct ministerial errors in the E-Rate application process. The Commission has acknowledged that many E-Rate beneficiaries, especially small districts, find the application process for public funds to be complicated, resulting in significant numbers of denials of applications for E-Rate support on the basis of ministerial, clerical or procedural errors. *See, e.g., Request for Review of the Universal Service Administrator by Bishop Perry Middle School*, 21 FCC Rcd 5316, ¶ 2 (2006) (“*Bishop Perry Order*”). For years, the Commission has held that, in cases of such minor procedural violations, where there is no evidence of waste, fraud, or abuse, “rigid compliance with USAC’s procedures does not further the purposes of section 254(h) [of Communication Act] or serve the public interest..” *Id.*, ¶ 11.

After the E-Rate funding year begins and an E-Rate applicant begins receiving services, the applicant should submit an FCC Form 486 to USAC to certify that service has begun, notify USAC of the service start date, and demonstrate that the applicant has received approval of its technology plan. *See Request for Review of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, AK, et al., Schools and Libraries Universal Service Support Mechanism*, 21 FCC Rcd 10182 (2006) (the “*Alaska Gateway Order*”). Because the FCC Form 486 indicates the actual service start date, USAC will only issue disbursements to the service provider for discounts on eligible services after receipt of the form. *Id.*, ¶ 3. After the eligible services have been delivered, the applicant determines which payment method to use to secure reimbursement from USAC for the services rendered under the E-rate program. *See Requests for Review and Waiver of Decisions of the Universal Service Administrator by State of*

Arkansas Department of Information Systems Little Rock, Arkansas, et al., Schools and Libraries Universal Service Support Mechanism, 23 FCC Rcd 9373 (2008) (“*Arkansas DIS*”). If the applicant pays the full cost of the services, then the applicant must submit an FCC Form 472, Billed Entity Application for Reimbursement (BEAR) invoice form, to secure reimbursement from USAC. *Id.*, ¶ 4. These Forms, which are completed and filed after a contract has been signed by a service provider and after the service start date, are required, as a matter of procedure, by USAC. Completed after the execution of contracts between service provider and applicant, and after the beginning of the provision of services, they are not a part of the competitive bidding process required by the Commission, which is the fundamental purpose of USAC’s supervision of the E-Rate program.

Because the Form 486 and 472 deadlines are merely procedural requirements of USAC, the Commission has consistently granted requests for waiver of the deadlines for applications that were denied due to failure to file Forms 486 and 474. In the *Alaska Gateway Order*, *supra*, the Commission found good cause to waive its Form 486 filing deadline for applicants that filed late or failed to file due to “immaterial clerical, ministerial or procedural errors.” *Id.*, ¶¶ 6-7. Finding that the applicants merely had missed a procedural deadline, and had not violated a Commission rule, the Commission found that complete rejection of the applications was not warranted. *Id.*, ¶ 7. Specifically, the Commission waived the deadline for a library that, like Preble Shawnee, had “inadvertently failed to comply with program rules because of [its] small staff and the complexity of the E-rate program.” *Id.*, n. 22. The Commission also ordered USAC to waive any subsequent deadlines if related to the late-filed Forms 486, including late filing of Forms 472. *Id.*, n. 27. The Commission further clarified which entities were deserving

of Form 486 and Form 472 deadline waivers in *Arkansas DIS*.⁵ The Commission found good cause to waive its requirements where “E-rate personnel changes and confusion with E-rate program rules” caused late filing or failure to file Forms 486 and 472. *See Arkansas DIS*, ¶ 8.

Preble Shawnee’s errors are indistinguishable from those of the *Alaska Gateway Order* and *Arkansas DIS* applicants. The district failed to file Forms 486 and 472, and, as in *Arkansas DIS*, these omissions resulted in large part from personnel changes and confusion with the E-Rate program rules. Ms. Marik took on the task of applying for E-Rate funding every year. However, Ms. Marik and her predecessors were technology directors, who were hired to ensure that Preble Shawnee schools had the technology they needed to best educate their students. As such, they were not conversant with the highly detailed and technical requirements of filling out federal forms. Preble Shawnee’s omissions were procedural errors of the type routinely forgiven by the Commission. The errors were inadvertent and resulted from internal problems and confusion regarding the E-Rate rules.

II. Preble Shawnee Is Entitled to the Funding Requested, Which Will Serve the Purposes of the E-Rate Program.

Preble Shawnee has applied for E-Rate funding and consistently has been approved for that funding since 1999. *See* FRN Chart, attached as Exhibit F. *See also* completed Forms 486 and 472, attached as Exhibit G. If not for the omissions discussed above, the FRNs would have been funded in full. Thus, Preble Shawnee clearly is entitled to the benefit of those approvals.

⁵ More recently, the Commission also found good cause to waive the filing deadline for applicants that failed to file their Forms 486 and 472 on time due to ministerial, clerical or procedural errors. *See Requests for Waiver of Decisions of the Universal Service Administrator by Alcona County Library Harrisville, Michigan, et al., Schools and Libraries Universal Service Support Mechanism*, 23 FCC Rcd 15500 (2008); *Requests for Waiver of Decisions of the Universal Service Administrator by Children of Peace School Chicago, Illinois, et al., Schools and Libraries Universal Service Support Mechanism*, DA 10-885 (2010); *Requests for Review of Decisions of the Universal Service Administrator by Alton Community Unit School District 11, et al., Schools and Libraries Universal Service Support Mechanism*, DA 10-999 (June 2, 2010).

The funds are earmarked for the purposes Preble Shawnee specified and await disbursement for those purposes. Releasing the funds at this time will not deprive any other party of their benefit, because USAC has already collected and reserved sufficient funds to address outstanding appeals. *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science, et al., Schools and Libraries Universal Service Support Mechanism*, FCC 10-122 (July 8, 2010), *citing* Universal Service Administrative Company, Federal Universal Service Support Mechanisms Fund Size Projections for the Third Quarter 2010 (Apr. 30, 2010). Nor does Preble Shawnee's delay impair its entitlement to payment at this time. *See, e.g., Request for Review of a Decision of the Universal Service Administrator by Idaho Falls School District 91, Schools and Libraries Universal Service Support Mechanism*, DA 10-888 (May 20, 2010) (granting appeals dating back to 1998).

The public interest clearly is not furthered by denying this small, rural district the funds that will enable it to continue to ensure its students are afforded access to the technology they need to obtain a complete education.

CONCLUSION

The goals of the E-Rate program are found in section 254(h) of the Communications Act, which directs the Commission to “enhance . . . access to advanced telecommunications and information services for all public and non-profit elementary and secondary school classrooms, health care providers and libraries.” The Commission has previously found that, in granting waivers of procedural rules, it could “provide for a more effective application processing system that will ensure eligible schools and libraries will be able to realize the intended benefits of the E-rate program . . .” *See Bishop Perry Order*, ¶ 2. This purpose is vital to the educational

process in this country. Indeed, for students to obtain the full advantages of their education, schools need up-to-date technology, which few could afford without the E-Rate program. Therefore, the public interest is not served by penalizing a small, rural district like Preble Shawnee, and the students it educates, for purely ministerial errors in a complex, highly specialized and often confusing application process.

Relief Requested

For the foregoing reasons, Preble Shawnee Local School District respectfully requests that the Commission grant its request for waiver, reverse USAC's decision denying Preble Shawnee's Request, and order USAC to fund the entire amount requested by Preble Shawnee

Respectfully submitted,

PREBLE SHAWNEE LOCAL SCHOOL
DISTRICT

By: Mark J. Palchick
Mark J. Palchick
Peter Gutmann
Sarah Miller

Womble Carlyle Sandridge & Rice, PLLC
1401 I Street, N.W., Seventh Floor
Washington, DC, 20005
(202) 857-4400
(202) 467-6910 (fax)

CC: Universal Service Administrator
Universal Service Ombudsman

September 20, 2010

CERTIFICATE OF SERVICE

I, Sarah Miller, hereby declare that copies of the foregoing request for review were delivered by hand or by U.S. mail, this day, September 20, 2010, to the following, as required by section 54.721(c) of the Commission's rules:

David Capozzi
Acting General Counsel
Universal Service Administrative Company
2000 L Street, N.W., Suite 200
Washington, D.C. 20036

Letter of Appeal
Schools and Libraries Division – Correspondence Unit
100 S. Jefferson Rd
P.O. Box 902
Whippany, NJ 07981



Sarah Miller



Administrator's Decision on Invoice Deadline Extension Request

July 20, 2010

Mollie Hansel
Preble Shawnee Local Schools
124 Bloomfield Street
Camden, Ohio 45311

RE: SLD Invoice #:	N/A	BEAR or SPI:	N/A
		Invoice Date:	N/A
SLD Line(s) #:	N/A		
Vendor invoice #:	N/A		
471 Application Number:	**See Attachment**		
Funding Request Number(s):	**See Attachment**		
Your Correspondence Dated:	June 14, 2010		

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your invoice deadline extension request for the invoice number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your request included more than one invoice number, please note that for each invoice for which an invoice deadline extension request was submitted, a separate letter is being sent.

Invoice Number: N/A	Line(s): N/A
Decision on Request:	Denied

Explanation: Current guidelines and procedures require Invoice Deadline Extension requests to be filed by the end of the relevant invoice receipt period for the service category of the FRN requiring an extension (120 days after the end of the service delivery date). The extension request was not filed in a timely manner, so it is denied.

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address for the person who can most readily discuss this appeal with us.

2. State outright that your letter is an appeal. Include the following to identify the decision letter and the decision you are appealing:
 - Appellant name,
 - Applicant or Service Provider name,
 - BEN and/or SPIN,
 - Form 471 and FRN,
 - Invoice number as assigned by SLD,
 - "Administrator's Decision on Invoice Deadline Extension Request" dated 07/20/2010
AND
 - The exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, send your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division – Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

While we encourage you to resolve your appeal with USAC first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our web site. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division
Universal Service Administrative Company

cc: Francie Rollins, Verizon North, Inc.
Zana Jones, Qwest Corporation
Doris Roman, CenturyLink United Telephone Co. of Ohio

471 Appl

No.	FRN	School
138063	211236	West Elkton Elem School
185580	385948	West Elkton Elem School
247029	623045	West Elkton Elem School
309519	805129	West Elkton Elem School
362666	983192	West Elkton Elem School
425877	1177666	West Elkton Elem School
480009	1326625	West Elkton Elem School
535311	1480717	West Elkton Elem School
576795	1608844	West Elkton Elem School
138065	211239	Camden Elem School
246183	621157	Camden Elem School
308374	807013	Camden Elem School
362145	981542	Camden Elem School
425714	1177108	Camden Elem School
479468	1324938	Camden Elem School
535486	1481162	Camden Elem School
576507	1608918	Camden Elem School
138067	218844	Shawnee Middle School
185789	386689	Shawnee Middle School
246678	621697	Shawnee Middle School
308780	805722	Shawnee Middle School
362599	983007	Shawnee Middle School
425575	1176534	Shawnee Middle School
479112	1324300	Shawnee Middle School
534904	1479444	Shawnee Middle School
576996	1614060	Shawnee Middle School
138061	211232	Shawnee High School
185684	386302	Shawnee High School
246287	622389	Shawnee High School
308493	806122	Shawnee High School
362432	982442	Shawnee High School
424797	1173949	Shawnee High School
479618	1325665	Shawnee High School
535143	1480046	Shawnee High School
577079	1614672	Shawnee High School
422081	1163860	Preble Shawnee SD

471 Appl

No.	FRN	School
534366	1477659	Preble Shawnee SD
577234	1615275	Preble Shawnee SD
577234	1635616	Preble Shawnee SD
138062	257422	Preble Shawnee SD
185866	394439	Preble Shawnee SD
246067	620568	Preble Shawnee SD
309948	816404	Preble Shawnee SD
362412	989157	Preble Shawnee SD
424095	1171539	Preble Shawnee SD
480810	1329620	Preble Shawnee SD
534701	1478787	Preble Shawnee SD
577150	1615025	Preble Shawnee SD



Schools & Libraries Division

Administrator's Decision on Invoice Deadline Extension Request

Thursday, April 01, 2010

Mindy Marik
CAMDEN ELEMENTARY SCHOOL
124 BLOOMFIELD ST
CAMDEN, OH 45311

Re: Funding Request Number(s):
1737567

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your invoice deadline extension request. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC).

Decision on Request: Dismissed

Explanation: The current case is a duplicate of a previous case that is pending review for the same FRN(s). This case is being dismissed. You shall be notified of USAC's decision upon the conclusion of that review. The duplicate request is being dismissed.

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by the SLD or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the decision letter and the decision you are appealing:

- Appellant name,
- Applicant or Service Provider name,
- BEN and/or SPIN,
- Form 471 and FRN, and
- The exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.

4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant affected by USAC's decision.

5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, send your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
 Schools and Libraries Division – Correspondence Unit
 30 Lanidex Plaza West
 PO Box 685
 Parsippany, NJ 07054-0685

While we encourage you to resolve your appeal with USAC first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our web site. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554

Thank you for your continued support of and participation in the E-rate program.

Schools and Libraries Division
 Universal Service Administrative Company

cc: Service Provider on record for FRN.

①

Wheels

Mollie Hansel
Preble Shawnee School District
124 Bloomfield St
Camden, OH 45311-1154

Billed Entity Number: 129908
Form 471 Application Number: 635052
Form 486 Application Number: 778922



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2008-2009

August 25, 2010

Mollie Hansel
Preble Shawnee School District
124 Bloomfield St
Camden, OH 45311-1154

Re: Applicant Name: PREBLE SHAWNEE SCHOOL DISTRICT
Billed Entity Number: 129908
Form 471 Application Number: 635052
Form 486 Application Number: 778922
Funding Request Number(s): 1756578
Your Correspondence Dated: August 16, 2010

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2008 Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1756578
Decision on Appeal: **Denied**
Explanation:

- USAC has determined that your FCC Form 486 was not filed within 120 days calculated from December 10, 2008, the date of the FCDL or July 1, 2008, the SSD indicated on the FCC Form 486, whichever date is later. On April 15, 2009, USAC mailed an "Urgent Reminder" letter providing you with additional time and a new deadline of May 5, 2009 to submit and/or certify your FCC Form 486. Your FCC Form 486 was postmarked and certified on August 2, 2010, which is after the new deadline. Consequently, the SSD has been revised to April 4, 2010, 120 days before the FCC Form 486 postmark date. If the funding commitment includes recurring charges then the funding commitment has been reduced accordingly. It is the responsibility of the applicant to ensure that all forms are

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submitted to USAC in a correct and timely manner. As a result, your appeal is denied.

FCC rules require applicants to use recurring services within the relevant funding year, and to implement non-recurring services by the applicable deadline established by the Commission. See 47 C.F.R. sec. 54.507(d). The FCC Form 486 informs USAC when the applicant is scheduled to receive or has received services in the relevant funding year from the named service provider. The receipt of a properly completed FCC Form 486 triggers the process for USAC to receive invoices. In order for an applicant to receive discounts retroactively to the Service Start Date (SSD), the FCC Form 486 should be postmarked no later than 120 days after the SSD featured on the FCC Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter (FCDL), whichever is later. When an applicant has missed a deadline to file its FCC Form 486, it is given additional 20 calendar days from the date of receipt USAC's written notice to file or amend its FCC Form 486 and receive services retroactively to the SSD. See Request for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, AK, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et. al., CC Docket No. 02-6, 21 FCC Rcd 10186-10187, DA 06-1871, para. 8 (rel. Sep. 14, 2006).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

PREBLE SHAWNEE LOCAL SCHOOLS

124 Bloomfield Street Camden, Ohio 45311
Phone 937-452-1284 Fax 937-452-3926

Mollie M. Hansel, Treasurer

June 14, 2010

SENT VIA EMAIL

USAC

Schools and Libraries Division – Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0585

Dear USAC,

I am writing this letter to request an invoice deadline extension for the Funding Requests Numbers on the attached spreadsheet. I believe that I have included all of the required information listed on your website. As you can see from the attached spreadsheet, the funding years go as far back as 1999 to 2007 and for every BEN in our district.

Originally, our district technology director, Mindy Marik had applied for the funds and had requested that our bills be discounted. Apparently, this had not been happening and I do not know why. It seems that since the ERATE program began, we had not been doing something correctly. It was never known because of personnel changes. Since ERATE began, we have had four different superintendents, two different technology directors and two different treasurers. Also during that time, our treasurer was out for an extended illness.

I have been here at the district for four years, and had seen one bill being discounted and just thought they all were, but never checked to make sure, because I thought the technology director was checking. The technology director never checked because she thought that by checking the box when she applied for the funds, it would happen automatically.

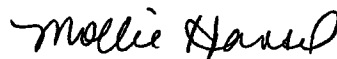
Being able to apply for these funds from any or all of the previous years would be greatly appreciated as the commitment requests total over \$100,000. As a small poor rural district, use of this amount of money would make a great impact on technology.

Please let me know if you need any more information.

My contact information is Mollie Hansel, Treasurer
Email: hanselm@preble-shawnee.k12.oh.us
Phone: 937-452-1284

Our district address and fax number are at the top of this letter. Please direct any correspondence to my attention.

Sincerely,



Mollie M. Hansel

sent 6/15/10

PREBLE SHAWNEE LOCAL SCHOOLS

124 Bloomfield Street Camden, Ohio 45311
Phone 937-452-1284 Fax 937-452-3926

Mollie M. Hansel, Treasurer

August 2, 2010

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Reference CC Docket No. 96-45 and CC Docket No. 02-6
Request for Review and Request for Waiver

Dear Ms. Dortch:

I am appealing the June 9, 2010 decision by USAC denying our request for extension to file Form 486 for the following:

Organization Name:	Camden Elementary School Preble Shawnee Local School District
Contact Person:	Mollie Hansel, Treasurer
Contact Mailing Address:	124 Bloomfield Street Camden, OH 45311
Contact Phone Number	937-452-1284
Contact Fax Number	937-452-3926
Contact email address	hanselm@preble-shawnee.k12.oh.us

Funding Year	2008
BEN#	50093
Form 471 Application #	629518
SPIN #	143019614

I do not have the denial letter to attach to this appeal. I did not receive the letter, I only know of it because I called the USAC help line and Michelle told me. I am attaching our original request for extension.

Please let me know if you need any further information.

Sincerely,

Mollie Hansel
Treasurer

Mollie Hansel

To: appeals@sl.universalservice.org
Subject: Appeal, Form 486 Application Number 778922

Dear Sir or Madam,

I wish to appeal the Form 486 Notification Letter dated August 11, 2010. The service start date for the application number referenced above should be July 1, 2008, not April 4, 2010.

The person most readily available to answer questions is:

Mollie Hansel
124 Bloomfield Street
Camden, OH 45311
Phone 937-452-1284
Fax 937-452-3926
Email: hanselm@preble-shawnee.k12.oh.us

Appellant name: Mollie Hansel
Service Provider Name: Verizon Wireless
BEN: 129908
SPIN: 143000677
486 Number: 778922
FRN Number: 1756578
"Form 486 Notification Letter for Funding Year 2008"

Please let me know if you need any other information.

Sincerely,
Mollie Hansel, Treasurer

Mollie Hansel
Treasurer
Preble Shawnee Local School District
937-452-1284
fax 937-452-3926

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
Request for Review of the)	
Decision of the)	
Universal Service Administrative Company)	
)	
By)	
)	
Preble Shawnee Local School District)	CC Docket No. 02-6
Billed Entity #: 49558)	
FRNs: 211236, 385948, 623045, 805129,)	CC Docket No. 96-45
983192, 1177666, 1326625, 1480717,)	
1608844)	
Billed Entity #: 50093)	File No. _____
FRNs: 621157, 807013, 981542, 1177108,)	
1324938, 1481162, 1608918,)	
Billed Entity #: 50095)	
FRNs: 218844, 386689, 621697, 805722,)	
983007, 1176534, 1324300, 1479444,)	
1614060)	
Billed Entity #: 50094)	
FRNs: 211323, 386302, 622389, 806122,)	
982442, 1173949, 1325665, 1480046,)	
1614672)	
Billed Entity #: 129908)	
FRNs: 1163860, 1477659, 620568, 816404,)	
989157, 1171539, 1478787, 1615275;)	
1635616, 1615025)	

AFFIDAVIT OF MINDY MARIK

Mindy Marik states as follows for her Affidavit in the above-captioned proceeding:

1. I am the technology director of Preble Shawnee Local School District (Shawnee”), and I have worked for Preble Shawnee in this capacity since August 2003. I have personal knowledge of the matters set forth in this Affidavit.